

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

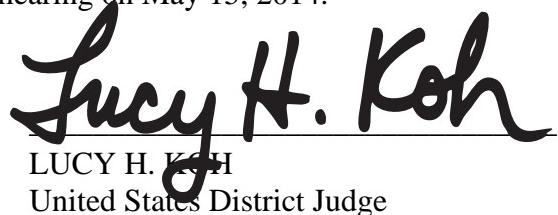
KAHEAL PARRISH,) Case No.: 11-CV-01438-LHK
)
Plaintiff,) ORDER RESPONDING TO PARTIES'
) NOTICE OF NINTH CIRCUIT LAW
)
v.)
)
A. SOLIS, et al.,)
)
Defendants.)

)

The Court has reviewed both parties' notices regarding *Albino v. Baca*, 10-55702, 2014 WL 1317141 (9th Cir. Apr. 3, 2014). In light of that case, the Court intends to deny without prejudice Defendants' motion to dismiss based on Plaintiff's alleged failure to exhaust administrative remedies. ECF No. 111. Defendants may re-raise their non-exhaustion defense in their summary judgment motion to be filed by August 21, 2014. The Court will rule on the remaining issues raised in Defendants' pending motion to dismiss, set for hearing on May 15, 2014.

IT IS SO ORDERED.

Dated: April 23, 2014


LUCY H. KOH
United States District Judge